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FAX COVER SHEET

To: Melba S. Bumgarner, Examiner	Firm: U.S. PTO
From: Patrick F. Bright	Fax: (703) 872-9306
Re: U.S. Patent App. No 10/800,818 (Hurson) Related U.S. Application Date: Continuation of Pat. No. 6,733,291 Application Control No. 09/670,708 Art Unit: 3732	Tel: (703) 305-0740 Sent By: Lynda Ann Hachem
Date: October 15, 2004	This fax contains <u>17</u> pages (including cover sheet)

Attached is Information Statement in the above-referenced matter.

Please call/fax to confirm receipt and/or to discuss with Mr. Bright.

Thank you,



Lynda Ann Hachem
Assistant to
Patrick F. Bright

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application Publication Hurson US 2004/0175674 A1

Appl. No. 10/800,818

Pub. Date: Sept. 9, 2004

Filed: March 15, 2004

For: IMPLANT WITH INTERNAL MULTI-LOBED INTERLOCK

United States Patent and Trademark Office
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INFORMATION STATEMENT

Sir:

The captioned patent application is a continuation of Application Serial No. 09/670,708 (" '708 application") filed in the PTO on September 27, 2000, now U.S. Patent No. 6,733,291 (" '291 patent"). Enclosed is a copy of the '291 patent for the PTO's convenience, with independent claims 1 and 11 highlighted and underlined to show amendments that were critical in distinguishing the claims over the cited prior art.

The claims presently on file in the captioned application are identical to the claims originally filed with the '708 application. During prosecution of the '708 application to issuance as the '291 patent, patentee was compelled to amend originally presented claim 1 to include the language underlined in the enclosed copy of the issued claim 1 in the '291 patent. Patentee was likewise

Hurson /Nobel BioCare
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October 15, 2004

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compelled to amend originally filed claim 12, which issued as claim 11 of the '291 patent, to include the language underlined in the enclosed copy of the '291 patent. See the enclosed, relevant pages from the PTO file history for the '291 patent, marked as Exhibit A.

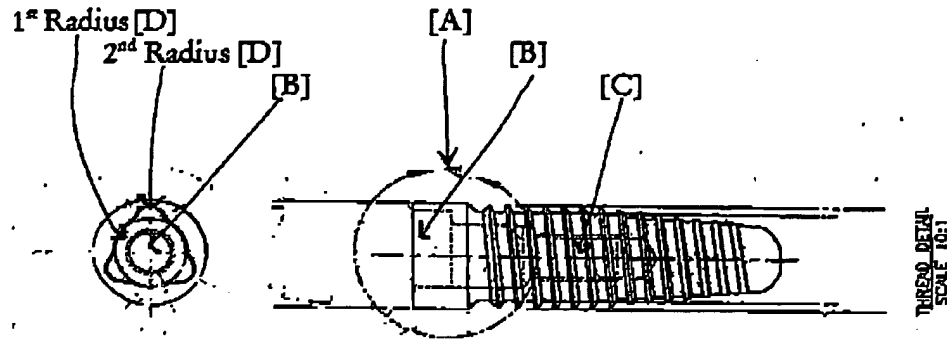
Patentee was compelled to make these amendments to distinguish over a prior art dental implant that patentee's assignee had been selling for more than one year before patentee applied for the '291 patent. See the enclosed, relevant pages from the PTO file history for the '291 patent, marked as Exhibit B.

Presented here side by side are originally filed claims 1 and 12 of the captioned application, which are identical to originally filed claims 1 and 12 of the '708 application, and issued claims 1 and 11 (original claim 12 issued as claim 11) of the '291 patent, with the added limitations underlined to show the amendments Patentee was compelled to make to distinguish over the prior art dental implant shown directly below the side by side claims. The image of this prior art implant is taken from the page marked with a blue flag in the PTO file history of the '291 patent. As the PTO can see, originally filed claim 1 reads on, and is therefore anticipated by this prior art implant.

<u>Issued Claim 1 ('291)</u>	<u>Orig Claim 1 ('818; '708)</u>
<p>1. A dental implant for supporting a prosthesis, the dental implant comprising a body portion and a top surface, the implant further comprising an internal cavity with an opening located at the top surface, the internal cavity comprising an interlock chamber having a depth measured from the top surface equal to a first distance, the interlock chamber comprising a <u>non-</u></p>	<p>1. [A]A dental implant for supporting a dental prosthesis, the dental implant comprising a body portion and a top surface, [B] the implant further comprising an internal cavity with an opening located at the top surface, the internal cavity comprising an interlock chamber having a depth measured from the top surface equal to a first distance, the interlock chamber comprising a</p>

<p><u>threaded cylindrical portion and plurality of semi-circular channels arranged around a periphery of the cylindrical portion, and a threaded chamber that includes threads and is located below the interlock chamber, wherein the cylindrical portion has a first radius and the channels have a second radius, a ratio of the first radius to the second radius being between approximately 4:1 and 2:1; wherein the implant further includes a non-threaded post-receiving chamber that is located below the interlock chamber, and above the threaded chamber, the post-receiving chamber having a depth measured from the top surface that is equal to a second distance.</u></p>	<p>cylindrical portion and plurality of semi-circular channels arranged around a periphery of the cylindrical portion, [C] and a threaded chamber that includes threads and is located below the post-receiving chamber, [D] wherein the cylindrical portion has a first radius and the channels have a second radius, a ratio of the first radius to the second radius being between approximately 4:1 and 2:1.</p>
<p><u>Issued Claim 11 ('291)</u></p> <p>11. A prosthodontic assembly for installing a prosthetic tooth, the prosthodontic assembly comprising: a first prosthodontic component comprising a body portion and a top surface, the first prosthodontic component further comprising an internal cavity with an opening located at the top surface, the internal cavity comprising an interlock chamber having a depth measured from the top surface equal to a first distance, the interlock chamber comprising a <u>non-threaded cylindrical portion with a plurality of semi-circular channels arranged around a perimeter of the cylindrical portion, a non-threaded post-receiving chamber that is located below the interlock chamber, the post-receiving chamber having a depth measured from the top surface that is equal to a second distance;</u> and a threaded chamber that includes threads and is located below the post-receiving chamber, wherein the cylindrical portion has a first radius and the channels have a second radius, a ratio of the first radius to the second radius being between approximately 4:1 and 2:1.</p>	<p><u>Orig. Claim 12 ('818; '708)</u></p> <p>12. A prosthodontic assembly for installing a prosthetic tooth, the prosthodontic assembly comprising: a first prosthodontic component comprising a body portion and a top surface, the first prosthodontic component further comprising an internal cavity with an opening located at the top surface, the internal cavity comprising an interlock chamber having a depth measured from the top surface equal to a first distance, the interlock chamber comprising a cylindrical portion with a plurality of semi-circular channels arranged around a perimeter of the cylindrical portion, and a threaded chamber that includes threads and is located below the post-receiving chamber, wherein the cylindrical portion has a first radius and the channels have a second radius, a ratio of the first radius to the second radius being between approximately 4:1 and 2:1. a second prosthodontic component comprising an interlock area comprising a plurality of semi-circular protrusions configured to mate with channels of the first prosthodontic component.</p>

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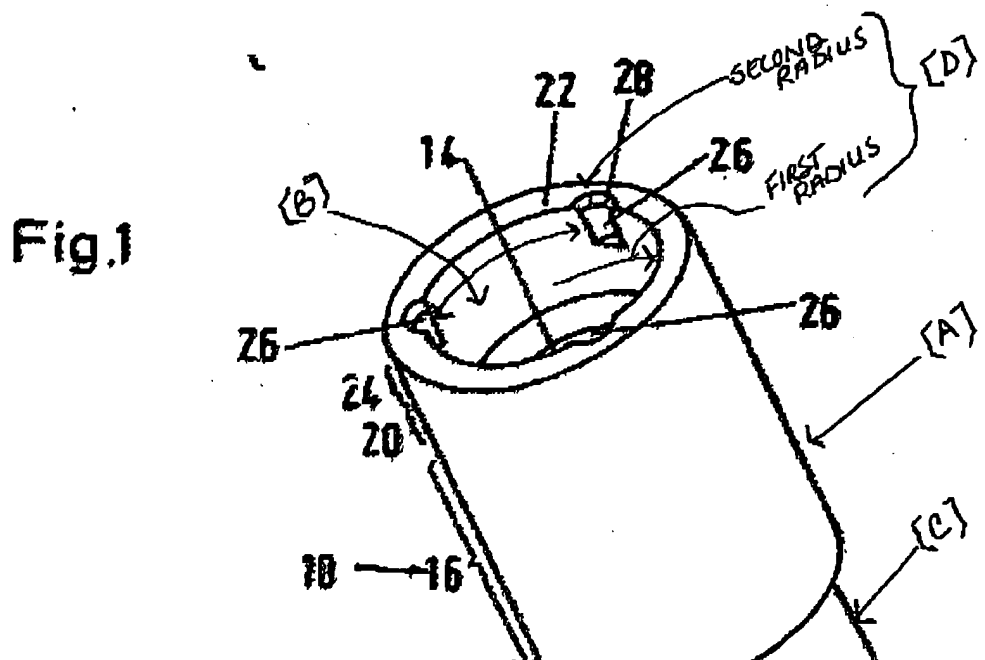


We submit that the claims of the captioned continuation application must include, at a minimum, all the limitations of the independent claims of the '291 patent and in particular, the limitations highlighted in claims 1 and 11 of the enclosed copy of the '291 patent. These claims must also contain additional limitations to prevent double patenting and/or obviousness-type double patenting.

The PTO should also look carefully at Kirsch, et al., USP 6,116,904, especially Fig. 1, reproduced below, and the related disclosure at Column 3:56 to Column 4:50. The Kirsch implant includes the same multi-lobed internal connection and, spaced below the lobes, internal threading, as called for in original Claim 1, and in issued Claim 1, below. See Columns 3:64 – 4:4, describing region [C] below, and reading as follows:

"Near the cervical end of the blind bore, there is an inner threading (not visible in the Figure) with a relatively small diameter, into which an implant post (not graphically shown in FIG.1) can be screwed. There follows an annular opening 14 with a diameter that is enlarged in relation to the inner threading. The similar opening 14 comprises a centering region 16 connected coronally to the inner threading."

As the PTO can see, originally filed Claim 1 reads on, and is therefore anticipated by this prior art implant. Issued Claim 1 of the '291 patent also reads on this implant, which has a non-threaded, post-receiving chamber 20. Chamber 20 is located below the interior chamber 24, which includes the semi-circular channels referred to in original Claim 1 and in issued Claim 1. The threaded chamber lies below chamber 24 and below chamber 20.



Issued Claim 1 ('291)

1. A dental implant for supporting a prosthesis, the dental implant comprising a body portion and a top surface, the implant further comprising an internal cavity with an opening located at the top surface, the internal cavity comprising an interlock chamber having a depth measured from the top surface equal to a first distance, the interlock chamber comprising a non-threaded cylindrical portion and plurality of semi-circular channels arranged around a periphery of the cylindrical portion, and a threaded chamber that includes threads and is located below the interlock chamber, wherein the cylindrical portion has a first radius and the channels have a second radius, a ratio of the first radius to the second radius being between approximately 4:1 and 2:1; wherein the implant further includes a non-threaded post-receiving chamber that is located below the interlock chamber, and above the threaded chamber, the post-receiving chamber having a depth measured from the top surface that is equal to a second distance.

Orig Claim 1 ('818; '708)

1. [A]A dental implant for supporting a dental prosthesis, the dental implant comprising a body portion and a top surface, [B] the implant further comprising an internal cavity with an opening located at the top surface, the internal cavity comprising an interlock chamber having a depth measured from the top surface equal to a first distance, the interlock chamber comprising a cylindrical portion and plurality of semi-circular channels arranged around a periphery of the cylindrical portion, [C] and a threaded chamber that includes threads and is located below the post-receiving chamber, [D] wherein the cylindrical portion has a first radius and the channels have a second radius, a ratio of the first radius to the second radius being between approximately 4:1 and 2:1.

Dated: October 15, 2004.

Respectfully submitted,



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